Court No.3

Criminal Revision No. 705 of 2001.
(Old No. 1413/1985)

Kirti Ram … Revisionist.

Versus

State …Respondent.

Hon'ble Irshad Hussain, J.

Heard Sri D.C.S. Rawat learned counsel for the revisionist and the learned A.G.A.

This is a criminal revision against the judgment and order dated 5-7-1985 passed by the then Sessions Judge Uttarkashi whereby the judgment and order dated 21.5.1985 passed by the C.J.M. Uttarkashi convicting and sentencing the revisionist for an offence punishable U/S 60 Excise Act was set-aside and the case was remanded back to the trial court for getting the chemical test of the seized liquor to be made and then to decide the case according to law.

The learned counsel for the revisionist submitted that the judgment of the learned Sessions Judge cannot be legally maintained because the purpose of the same was to fill up the lacuna of the prosecution evidence by obtaining the report of Chemical Examiner to ascertain the substance seized from the revisionist was in fact alcohol. From the perusal of the judgment it is evident that the learned Sessions Judge had taken note of the fact that the evidence of the Excise Inspector D.K.Soti was not sufficient to prove that the substance seized was in fact English liquor, therefore there appears to be no infirmity in the judgment passed by the learned Sessions Judge . Considering this there is no merit in this revision and the same is dismissed.

(Irshad Hussain, J.)

Dated: 26-8-03

ISB